

★ JUL 06 2018 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BERNARDINE M. GALVEZ

Pro Se Plaintiff,

- against-

DONALD J. TRUMP, in his official capacity as
President of the United States of America

Defendant.
-----X

CASE NO. **CV-18 3890**

COMPLAINT

Jury Trial: ☐ Yes ☒ No

CHEN, J.
POLLAK, M.J.

I. PARTIES TO THIS COMPLAINT:

a. The Plaintiff:

- i. Bernardine M. Galvez, 11 Croydon Road, Amityville, Suffolk County,
NY 11701, Telephone number: 631-842-6530, E-mail Address:
bernardinegalvez@yahoo.com

b. The Defendant:

- i. Donald J. Trump, President of the United States of America, 1600
Pennsylvania Avenue, N.W. Washington, D.C. 20500, Contact Number
202-456-1414, Email: president@whitehouse.gov,

II. BASIS FOR JURISDICTION:

- a. This Court has Subject Matter Jurisdiction under 28 U.S.C. § 1331

III. STATEMENT OF CLAIM

- a. The Defendant, Donald J. Trump (herewith reference as “Defendant”), in his official capacity as President of the United States of America is scheduled to present his nominee for the scheduled vacancy of the U.S. Supreme Court Justice Anthony M. Kennedy due to his retirement.
- b. The Defendant authority to appoint a U.S. Supreme Court Justice is derived from The Constitution of the United States Article II, Section 2.
- c. A transcription of The Constitution of the United States, Article II, Section 2 states “The President...shall have Power, by and with the Advice and Consent of the Senate, shall appoint Judges of the Supreme Court...”
- d. The Defendant hasn’t met the burden of obtaining Consent of the Senate to appoint a replacement U.S. Supreme Court Justice.
- e. For the Democratic Congressman/Congresswomen of the Senate have requested that the President hold off appointing a new U.S. Supreme Court Justice until after the 2018 Mid-term elections are held.
- f. Precedent had been set, when on February 13, 2016, the death of U.S Supreme Court Justice Antonin Gregory Scalia, Senate Majority Leader Mitch McConnell announced that he would refuse to consider a nominee for a vacancy that arose in an election year. Senate Majority Leader Mitch McConnell blocked President Barack Obama’s U.S. Supreme Court nominee Chief Judge Merrick Garland of the U.S. Court of Appeals for the District of Columbia from being considered for approximately 293 days.
- g. Ultimately, the Defendant was elected President of the United States.

- h. After the election, potential U.S. Supreme Court nominee, Chief Judge Merrick Garland of the U.S. Court of Appeals for the District of Columbia Nomination to the U.S. Supreme Court wasn't reconsidered.
- i. Instead, the Defendant appointed a new nominee, Neil McGill Gorsuch whom underwent Confirmation hearings till he was ultimately confirmed by the Consent of the Senate to replace Justice Scalia.
- j. At present, majority of the Democratic/Independent Senator in the Senate are withholding their consent for the President to appoint a U.S. Supreme Court Justice. Thus, a Federal Question arises regarding the Defendant's power to appoint a nominee to the U.S. Supreme Court, for the Constitution only mentions Under Article II, Section 2 that two thirds of the Senators present concur. Thus, I submit that the Defendant doesn't have the prerequisite Consent of the Senate to proceed with nominating a U.S. Supreme Court Justice to the Court.
- k. In addition, the Defendant's presidential campaign is the subject of a criminal investigation conducted by Special Counsel, Robert Swan Mueller III.
- l. The Defendant is a subject, not a target of that investigation.
- m. The U.S. Constitution does not give guidance with respect to the U.S. President powers of appointment, when he/she is the subject to a criminal investigation. Thus, a Federal Question arises regarding the Defendant's power to appoint a nominee to the U.S. Supreme Court.
- n. House and Senate Congressmen/Congresswomen have a pending Federal Lawsuit against the Defendant for violations of U.S. Constitution, Article I, Section 9, Clause 8 Commonly known as the "Foreign Emoluments Clause." Thus, if the

Court determines that Defendant violated the “Foreign Emoluments Clause” this could lead to the Defendant’s Impeachment from Office. Thus, a Federal Question arises regarding the Defendant’s power to appoint due to pending litigation which could lead to his impeachment from office. In addition, if an Unfavorable Verdict should be rendered against the Defendant, he has the right to appeal that decision which could be heard by the U.S. Supreme Court, thus rendering said nominee with a potential conflict of interest issue.

IV. RELIEF

- a. I’m seeking for the court to issue a Temporary or Preliminary Injunction forcing the Defendant to refrain from appointing a U.S. Supreme Court nominee until either he obtains the two thirds consent from the Senate, and/or after the 2018 Mid-Term Elections have taken place, and the Congressional Representatives have been sworn into office in January of 2019.
- b. I’m seeking for the court to issue a determination on whether or not the Defendant, the sitting President still have the power to appoint a U.S. Supreme Court Justice, when he is the subject of a criminal investigation
- c. I’m seeking for the court to issue a determination on whether or not Defendant, the sitting President still have the power to appoint a U.S. Supreme Court Justice, when he is involved in Federal Litigation regarding the violation of the “Foreign Emoluments Clause” which if the Verdict is rendered Unfavorable can lead to his impeachment.

V. CERTIFICATION AND CLOSING

- a. Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase cost of litigation; (2) is supported by existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.
- b. I agree to provide the Clerk's Office with any changes to my address where case related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.


Dated: July 6, 2018

Sworn to before me this
6th day of July, 2018


Notary Public

Plaintiff Pro Se


Bernardine Galvez, Pro Se Plaintiff
11 Croydon Road
Amityville, NY 11701
Home Phone No. 631-842-6530


RAIDILYS RODRIGUEZ
Notary Public, State of New York
No. 01RO6315393
Qualified in Suffolk County
Commission Expires 11/24/2018

Docket No.:

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BERNARDINE M. GALVEZ,

Pro Se Plaintiff,

-against-

DONALD J. TRUMP, IN HIS OFFICIAL CAPACITY AS
PRESIDENT OF THE UNITED STATES OF AMERICA

Defendants.

SUMMONS & COMPLAINT

By: 

Bernardine M. Galvez, Pro Se Plaintiff
11 Croydon Road
Amityville, NY 11701
Home 631-842-6530